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SUBJECT: OPPOSITION LEADER ANWAR'S "SODOMY II" TRIAL BEGINS

¶1. (SBU) Summary: After months of delay while his defense team submitted motion after motion ranging from a request to see all the evidence to outright dismissal, opposition leader Anwar Ibrahim's trial for alleged consensual sodomy with a former aide began in the Kuala Lumpur High Court on February ¶3. The prosecution immediately called to the stand the alleged victim, 25-year-old former Anwar aide Saiful Bahari, who described his relationship with Anwar and began a detailed account of the events of June 26, 2008 when the alleged sodomy occurred. At the defense's request, the judge stopped the testimony when Saiful was on the verge of describing sexual contact. The testimony will resume in camera (without the public present) on February 4. Among the 70 members of the public observing the trial from the small gallery were opposition politicians, local and international journalists, and diplomats from several embassies. Polcouns and Pol staff attended the February 2 and 3 sessions.

¶2. (SBU) Comment: Anwar's second sodomy trial is extremely controversial in Malaysia, seen by many as a political ploy to derail him and the opposition, and as a repeat of the 1998 sodomy trial. In launching the trial -- and there were doubts there would be a trial -- the GOM appears to determined to pursue the charge notwithstanding the potential costs domestically and internationally. While there may be many days and weeks to go before this case concludes, and there is potential for further delays, the GOM has so far allowed Malaysians and foreigners access to the proceedings. Observers from the International Bar Association and International Council of Justice were seated alongside the attorneys in the front of the courtroom. The proceedings are being prominently covered in both the mainstream government-influenced media and the blogosphere, as well as in the international press. End Summary and Comment.

¶3. (SBU) Anwar Ibrahim's trial began at 3:30 pm on February 3 after High Court judge Mohamad Zabidin Mohd Diah rejected lead Anwar attorney (and fellow opposition Parliamentarian) Karpal Singh's request for a stay to allow the Appeals Court to rule on a request to obtain the government's evidence before the trial. A clerk read the charges concerning the alleged incident aloud in front of Anwar, standing toward the rear of the courtroom, who said that the charges were "frivolous" and ordered by the prosecution's "political masters" before pleading not guilty.

¶4. (SBU) The prosecution immediately called 25-year-old former Anwar aide Saiful Bahari to testify, walking methodically through questions about his educational background, first association with Anwar (March 2008), and his job description. Saiful, testifying in Malaysian, said he was paid RM 1,000 per month (about USD 270) to help with Anwar's schedule, carry his private cellphone, and manage his finances. At that point, Anwar leaned over to his wife, PKR politician Wan Azizah, and said "liar" in Malaysian. The prosecution had Saiful describe in detail how he arrived at Anwar's condominium on June 26, 2008, and what happened next, presenting as evidence a one-page statement that Saiful had signed in front of police when he reported the alleged

sodomy. The defense succeeded in having a reference to previous sexual contact between Anwar and Saiful expunged from the statement. When Saiful had described how Anwar had allegedly asked him to have sex and then ordered him to undress in the bathroom, the defense requested that the remainder of Saiful's testimony be heard in camera. The judge agreed to do so starting at 9:30 a.m. on February 4.

15. (SBU) In parallel with trial, Anwar's legal team continues to pursue motions to have the charges dismissed or to gain reviews of earlier decisions denying the defense access to the government's evidence. If accepted, those motions could lead to renewed delays in the trial.

16. (SBU) In the months before the trial, Anwar was careful to keep in touch both with prominent foreigners and Malaysian supporters. On January 25, his People's Justice Party (PKR) International Bureau held a closed door briefing for diplomats about the trial, arguing that the GOM was determined to convict "the Prime Minister in waiting" to remove him from the political scene. They also argued that there was clear medical evidence refuting the charges, and that the judiciary was being manipulated to ensure a conviction.

KEITH